




FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# Memorandum

**TO:** Director, Reference Information Center  
Chief, Wireless Telecommunications Bureau  
Chief, Public Safety and Homeland Security Bureau

**FROM:**  Daniel M. Armstrong  
Associate General Counsel

**SUBJECT:** *Cellco Partnership d/b/a Verizon Wireless v. FCC & USA*, No. 07-1359. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

**DATE:** September 17, 2007

This is to advise you that, on September 10, 2007, Cellco Partnership d/b/a Verizon Wireless filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to 47 U.S.C. 402(a), of the following order: *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, et al.*, Second Report and Order, WT Docket No. 06-150, *et al.*, 22 FCC Rcd 15289 (2007).

In the order on review, the Commission established rules to govern the licensing and use of the 700 MHz band, spectrum that will become available as certain UHF television stations transition to digital. Verizon challenges the Commission's decision to require, with respect to one part of the 700 MHz spectrum, that licensees must allow customers, device manufacturers, third-party application developers and others to use devices and applications of their choice on the spectrum. That approach is known as the "open platform" for devices and applications.

The Court has docketed this case as No. 07-1359. The attorney assigned to handle the litigation of this case is Joel Marcus.